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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,436	02/10/2004	Michael A. Rivalto	MRIV 0105 PUS1	9425
22045	7590	04/25/2005	EXAMINER	
BROOKS KUSHMAN P.C. 1000 TOWN CENTER TWENTY-SECOND FLOOR SOUTHFIELD, MI 48075			TRAN, KHOI H	
			ART UNIT	PAPER NUMBER
			3651	

DATE MAILED: 04/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/775,436

Applicant(s)

RIVALTO, MICHAEL A.

Examiner

Khoi H Tran

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-19 and 30-45 is/are pending in the application.
- 4a) Of the above claim(s) 18, 19, 30 and 33-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17, 31, and 32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KHOI H. TRAN
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's arguments concerning the properly withdrawn claims 18, 19, and 30, per Office Action dated 09/28/2004 have not been found to be persuasive. Applicant's attention is directed to MPEP 808.01(a) for better understanding of a Species Requirement.

The requirement is still deemed proper and is therefore made FINAL.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 17, 31, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Stephens et al. 6,323,782.

Stephens '782 discloses method for picking up delivered package to specified locker location per claimed invention. The method comprises associating package recipient information with at least one storage location and at least one associated package within a package pick-up and delivery station. The method comprises using a camera 64 to facilitate video conferencing with off-site attendant in order to authenticate package recipient biometric identity (paragraphs bridging columns 11/12 and 13/14). The method comprises comparing the biometric information with the package recipient information to authorize an automated accessing of a specified locker storage location.

4. Claim 17 is rejected under 35 U.S.C. 102(e) as being anticipated by Gokcebay 6,791,450.

Gokcebay '450 discloses method for picking up delivered package to specified locker location per claimed invention. The method comprises associating package recipient information with at least one storage location and at least one associated package within a package pick-up and delivery station. The method comprises using a biometric identification card to authenticate package recipient biometric identity. The method comprises comparing the biometric information with the package recipient information to authorize an automated accessing of a specified locker storage location.

5. Claims 17 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Will et al. 6,688,435.

Will '435 discloses method for picking up delivered package to specified locker location per claimed invention. The method comprises associating package recipient information with at least one storage location and at least one associated package

within a package pick-up and delivery station. The method comprises using a camera 16 to facilitate biometric identification in order to authenticate package recipient biometric identity. The method comprises comparing the biometric information with the package recipient information to authorize an automated accessing of a specified locker storage location.

Response to Arguments

6. Applicant's arguments filed 02/01/2005 have been fully considered but they are not persuasive.

Applicant argued that U.S. Patent No. 6,323,782, Stephens et al., does not anticipate claims 17, 31, and 31. Applicant argued that Stephens '782 cameras do not allow for interactive communication between an external host and the storage container. This argument is not persuasive. Applicant attention is directed to the two paragraphs bridging column 11/12 and 13/14. Stephens '782 cameras do in fact provide interactive two-way communication for an external host and the storage container. In addition, Applicant's argument for the "interactive communication between the external host and the storage container" is not supported by the actual claim language.

Applicant argued that U.S. Patent No. 6,688,435, Will et al., is not an appropriate 102(e) reference because the filing date of this instant application, September 13, 2001 precedes that of Will '435, October 31, 2001. This argument is not persuasive because Applicant has failed to recognize that the effective filing date of Will '435 actually dates back to its provisional filing date of November 01, 2000. Thus, Will '435 is an appropriate 102(e) reference.

Applicant argued that Gokcebay 6,791,450 does not anticipate the claimed invention because the reference does not contemplate collection of biometric input such as voice, signatures, iris patterns, fingerprints, or facial identification. This argument is not persuasive because claim 17, to which Gokcebay anticipates, does not distinctively claim such argued features.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khoi H Tran whose telephone number is (571) 272-6919. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Matecki can be reached on (571) 272-6951. The fax phone

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number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Khoi H Tran
Primary Examiner
Art Unit 3651

KHT
04/20/2005